

401 KAR 30:040. Transfer of regulatory responsibility.

RELATES TO: KRS Subchapters 224.10, 224.40, 224.43

STATUTORY AUTHORITY: KRS 224.10-100(24)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 and the waste management provisions of KRS Chapter 224 require the Environmental and Public Protection Cabinet to promulgate administrative regulations for the management of solid and hazardous wastes. This administrative regulation transfers regulatory responsibility for coal mining solid waste to the Department for Natural Resources, Division of Mine Reclamation and Enforcement.

Section 1. Regulatory Authority. Mining waste shall be a special waste pursuant to KRS 224.50-760(1)(a). Coal mining wastes as defined in 401 KAR 30:005 shall be regulated under KRS Chapter 350.

Section 2. Transfer of Responsibility. The regulatory responsibility for coal mining waste disposal, which is subject to waste management administrative regulations, shall be with the Department for Natural Resources, Division of Mine Reclamation and Enforcement at sites regulated under KRS Chapter 350. Coal mining waste may be disposed of in the areas regulated under KRS Chapter 350 and shall be exempt from the permit requirements in 401 KAR 47:100 if:

- (1) Hazardous waste is not placed, stored, treated, disposed or otherwise managed under the provisions of this section; and
- (2) The general requirements of KRS Chapter 224 are maintained.

Section 3. Variance and Termination. (1) This transfer of regulatory responsibility shall include the regulatory authority in 401 KAR 47:120, Section 1(8), to request information from the applicant, and the regulatory authority to grant a variance pursuant to 401 KAR 30:020, Section 2. This transfer of regulatory responsibility may be terminated by the cabinet at an individual mining site if any of the provisions of Section 2 of this administrative regulation are violated, and the Department for Environmental Protection shall reassume full regulatory responsibility for the individual site at that time. (6 Ky.R. 473; 659; eff. 6-4-1980; 8 Ky.R. 158; 441; 859; eff. 2-1-1982; 1002; 9 Ky.R. 126; 401; eff. 8-25-1982; Recodified from 401 KAR 2:050, Section 2; eff. 3-1-1983; 23 Ky.R. 490; eff. 3-12-1997; 33 Ky.R. 2377; 3658; eff. 6-13-2007; Crt eff. 9-5-2018.)